

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**BORIS NICHOLS, *et al.***

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 2:19-MC-162-KS-MTP**

**U.S. BANK, NATIONAL ASSOCIATION, *et al.***

**DEFENDANTS**

**ORDER**

The Court has discussed the background of this case at length in previous orders. On February 24, 2020, the Court entered an Order [25] finding that Plaintiffs had knowingly and/or recklessly raised an objectively frivolous argument by seeking conformation of a purported arbitration award when there was no underlying arbitration agreement. Therefore, pursuant to its inherent power, the Court awarded Defendants its fees and costs incurred as a result of Plaintiffs' frivolous attempt to gain this Court's confirmation of the purported arbitration award. The Court ordered Defendant to submit a detailed accounting of such fees and costs. Defendant filed its response [28] to the Court's order on March 9, 2020. Plaintiffs sought reconsideration of the Court's order [26], but the Court denied their motion [29] and ordered them to respond to Defendant's fee request on or before March 23, 2020. Plaintiffs filed their response [31] to the fee request as ordered, and Defendant replied [32]. Therefore, the Court is prepared to determine the amount of sanctions.

In its Fee Application [28], Defendant requested \$17,100.00 in fees. It supported the request with declarations from its counsel and detailed spread sheets showing the hours worked by each attorney, the services performed, and the date on

which the services were performed. *See* Exhibits A & B to Fee Application, *Nichols v. U.S. Bank, Nat'l Ass'n*, No. 2:19-MC-162-KS-MTP (S.D. Miss. March 9, 2020), ECF Nos. 28-1, 28-2. In their response [31] to the fee application, Plaintiffs only reasserted arguments that the Court has already addressed in prior orders relating to its underlying decision Plaintiffs' motion for confirmation of their purported arbitration award. They did not otherwise challenge the amount of Defendant's fee request.

Therefore, the Court finds that Defendant's fee request is adequately supported. Plaintiff has not asserted any meritorious defense or otherwise disputed the amount of fees. Accordingly, **the Court awards Defendant \$17,100.00 in attorney's fees, payable jointly and severally by Plaintiffs, Boris Nichols and Tonnie Smith Nichols.** This case is closed.

SO ORDERED AND ADJUDGED this 1st day of April, 2020.

/s/ Keith Starrett  
KEITH STARRETT  
UNITED STATES DISTRICT JUDGE